

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00140

THOMAS HENRY EDWARDS

MEMORANDUM OPINION AND ORDER

On July 17, 2008, the United States of America appeared by L. Anna Crawford, Assistant United States Attorney, and the defendant appeared in person and by his counsel, George H. Lancaster, Jr., for a plea hearing at which time the court heard the parties with respect to release pending sentence. The court concluded on the record of the hearing and in its order entered that same date that the evidence did not warrant a finding by clear and convincing evidence that the defendant is not likely to flee or pose a danger to the community and denied the defendant's motion for bond. The defendant was remanded to the custody of the United States Marshal.

On August 4, 2008, the defendant filed his Motion for Reconsideration of Order of Detention, wherein it is requested that he be released from custody and placed on electronic monitored home confinement pending his sentencing hearing

scheduled for 1:30 p.m. on October 21, 2008, inasmuch as he has secured full-time employment, will be able to begin making payments toward restitution, has secured a permanent residence and is agreeable to being placed on home confinement. On August 8, 2008, the government filed the Response of the United States to Defendant's Motion for Reconsideration of Order of Detention, wherein it states it has no objection to defendant being placed on bond subject to various conditions including home confinement.

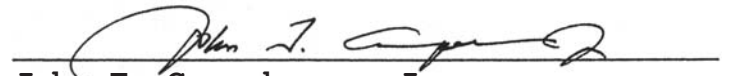
The court finds that the defendant has a substantial criminal record that includes his escape from the Charleston Work Release Center in 1982 and his escape from the Beckley Work Release Center in 1991, at about which time he was sentenced for bank robbery to a total of 115 months in California. He was placed on supervised release in 2001, and within two years, a modification was imposed due to his leaving the jurisdiction without permission. By virtue of the nature and the seriousness of the various offenses with which the defendant has been convicted, including the mail fraud charge that he pled guilty to in this case on July 17, 2008, and the further fact that the defendant has escaped on two prior occasions from custody, the

court finds by clear and convincing evidence that the defendant is a risk to flee and a danger to the community and that no condition or combination of conditions will assure the safety of the community.

It is, accordingly, ORDERED that the defendant's Motion for Reconsideration of Order of Detention be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department and the United States Marshal.

DATED: September 17, 2008


John T. Copenhaver, Jr.
United States District Judge